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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,600	03/06/2007	Joaquin Keller	292108US2PCT	3612
22850 7590 10/16/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER NGUYEN, PHUNG HOANG JOSEPH				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
10/16/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/581,600

**Applicant(s)**

KELLER, JOAQUIN

**Examiner**

PHUNG-HOANG J. NGUYEN

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 15, 16, 18-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 15-16, 18-28 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's amendment filed 8/8/2008 has been entered. Claims 15-16, 18-20, 22, 24-28 and 30 have been amended. Claims 17 and 29 have been cancelled. No new claims have been added. Claims 15-16, 18-28 and 30 are still pending in this application, with claims 15, 22 and 30 being independent.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 is currently amended and is recited as follow: "The device according to claim 15, further comprising: sending means for sending to each user apparatus identified as a participant of the audio conference, device data relating to the apparatuses of other users also participating in the ~~conference~~." The word "conference" is crossed out. For the purpose of continuous examination, examiner will assume it a conference or any form of conference. Appropriate/clarification is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 15-16, 18-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (US Pub 2004/0131167) in view of Ludwig et al (US Pat 7,185,054).**

As to claims 15-16 , 22 and 30, Chang teaches a device for managing remote conferences, comprising:

means for receiving, from a telephone conference bridge, participant presence data of a conference (*fig. 3; pars. 0058*);

storage means for storing user telephone number data device data identifying a user apparatus data (*database 135, profile database 140 and Conference Data Store of fig. 2; par. 0059*);

means for determining (i.e., profile database 140), by the presence data and the stored data, apparatuses of participants in a conference (pars. 0060-0061);

Furthermore, Chang teaches computer program and computer readable medium storing data (par. 0020; SN Control Computer 125 of fig. 1).

Change does not explicitly teach:

storage means for storing user telephone number data in association with device data identifying a user multimedia apparatus data;

means for determining, by the audio presence data and the stored device data, multimedia apparatuses of participants of the audio conference; and

means for providing multimedia data files to the multimedia apparatus using the device data.

Nor does Chang specifically teach the audio conference (though an ordinary skilled artisan can comfortably argue that audio is obviously just a very basic feature of any form of conference as Chang's paragraph 0004 states a conference over the phone. Examiner wishes to provide Ludwig's teaching as follows).

Ludwig teaches storage means for storing user telephone number data in association with device data identifying a user multimedia apparatus data *(initiating CMW 12 signals MLAN server 6 identifying the desired conference participants, col. 8, line 67; Also see fig. 23 shows the directory service looking up for callee's address, col. 21, line 62-col. 22, line 6);*

means for determining, by the audio presence data and the stored device data, multimedia apparatuses of participants of the audio conference *(CMW 12 in FIG. 1 provides real-time audio/video/data capabilities along with the usual data processing capabilities provided by its operating system CMW 12 also provides for bidirectional communication, col. 6, lines 28-31);* and

means for providing multimedia data files to the multimedia apparatus using the device data *{a multimedia collaboration system as shown in fig. 29 displaying various facilities for various multimedia elements (multimedia mail, multimedia call/conference and multimedia document management). Likewise fig. 1 shows a number of multimedia resources 16 accessible to the user, col. 6, lines 15-19}* for the purpose of providing one of the most comprehensive conference methods that serves the subscribers audio and video with email, text and graphics in a very interactive way that makes the participants feel closer than they actually are.

Therefore, it would have been obvious to the ordinary skilled artisan at the time of the invention was made to incorporate the teaching of Ludwig into the teaching of Chang to create an automatic establishment of conference without or with little intervention from the participants.

As to claims 18 and 24, Chang, in view of Ludwig, teaches means for identifying a request for sending conference data to at least one of the apparatuses of a participant in an audio conference (*par. 0034 and 0077. Also see fig. 1 for Service Node 120 for managing conference matters and fig. 7 for setting up a request*).

As to claim 19, Chang, in view of Ludwig, teaches means for determining a type of data (*conference message in fig. 5*), from the conference data, which may be provided to at least one of the apparatuses of a participant in a conference (*par. 0068-0071 and 0090*).

As to claim 20, Chang, in view of Ludwig, teaches sending means for sending to each user apparatus identified as a participant in a conference, data relating to the apparatuses of other users also participating in the conference (*pars. 0038-0039 where subscriber 160 provision other participants' information*).

As to claim 21, Chang, in view of Ludwig, teaches a remote conference system (*par 0004 where participants are from various geographic locations*), comprising: a plurality of apparatuses of users or participants (*subscribers 105, 106, 115, and 160*).

As to claim 25, Chang teaches conference data is addressed to an apparatus of a participant in the conference without any specific request from the participant (*par.*

**0050 where scheduler sends an immediate conference of type 1. Also see figs. 5 and 6).**

As to claim 27-28, Chang teaches the stored data identifying a user apparatus in connection with telephone number data, is sent to a device for managing (*par. 0053, and 0059 and fig. 3 show the provisioning of information and stored in Provisioning Module 200*) each apparatus during and before a request for establishing a conference or during a request for accessing an already existing conference (*par. 0007 where each invitee is then required to dial the contact number at the specified time to join the conference call, which may already be in progress*).

**Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being anticipated by Chang et al further in view of Ludwig et al (US Pat 7,185,054) further in view of Becker et al (UA Pub 2002/0130904)**

As to claims 23 and 26, Both Chang and Ludwig do not explicitly teach the audio presence data is communicated from the conference bridge to a management device as soon as a user alters his/her presence at an audio conference. Nor do they teach the device data for identifying apparatuses of other users participating in the audio conference is provided to at least one participant of the conference.

Becker teaches the audio presence data is communicated from the conference bridge to a management device as soon as a user alters his/her presence at an audio conference (*fig. 1 shows all the participants, Anna, Bob, Carl, Deb, Gail are available, except Earl is idle and Fred is offline or grayed out while fig. 5 shows*

***Anne and Deb are now in the meeting. Others remain the same. So one in the art can see the status is changed accordingly at a conference call and shown it o others).***

Furthermore, Becker teaches identifying apparatuses of other users participating in the audio conference is provided to at least one participant of the conference (***see fig. 15 to see the status of each of the participant identified with means of communications, such as, J2ME phone, computer browser for instant message exchange (keyboard icon) which is offline (but which could be online), a fax machine (paper icon) which is offline, an email account (mailbox icon) which is offline, and an Internet phone option (telephone set icon) which is offline (but which could be online) , par. 0087***)

Therefore, it would have been obvious to the ordinary skilled artisan at the time of the invention to incorporate the teaching of Becker into the teaching of Chang, in view of Ludwig for the purpose of providing the system and the participants know exactly when there is a change in the status presence/activity of each participant.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 15-16, 18-28 and 30 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejections.

#### ***Conclusion***



Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PHUNG-HOANG J. NGUYEN** whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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